

Motion to Dismiss Exhibit One



*United States Attorney
District of Arizona*

Two Renaissance Square
40 North Central Avenue Suite 1200
Phoenix, Arizona 85004-4408

(602) 514-7500
FAX: (602) 514-7693

December 2, 2010

Deborah Williams, Counsel for Dennis Mahon

Re:United States v. Dennis and Daniel Mahon

Dear Ms. Williams:

Please confirm receipt of following property:

- 1 disk +1 copy of USPS Supp 1-447 excluding 40-42, 47-60

Received:

Deborah Williams

Date

Sincerely

DENNIS K. BURKE
United States Attorney
District of Arizona

John Boyle
Assistant United States Attorney

Motion to Dismiss Exhibit Two

Curran, John P

From: Donnelly, Terrence W
Sent: Monday, November 08, 2010 9:42 AM
To: Curran, John P
Subject: FW:

Attachments: 08102009 A Scott DMI Proffer MOI.doc

From: Donnelly, John D
Sent: Monday, November 08, 2010 9:17 AM
To: Donnelly, Terrence W
Subject: RE:

Terry,

On August 10, 2009, I was proffering a fraud defendant (Alan C. Scott) in Chicago, in one of my cases. He was detained at MCC and was a cell mate for a time of Dennis Mahon. I sent a copy of the MOI to AZ, but have attached another copy. On August 21, 2009, Jim Felton and Tristan Moreland (ATF) came to Chicago and we proffered him again. Felton did the MOI. I believe this is when I charged hours to the case.

Good Luck

Jack Donnelly



08102009 A Scott
DMI Proffer M...

From: Donnelly, Terrence W
Sent: Friday, November 05, 2010 5:59 PM
To: Amstone, Ryan T; Babcock, Tyler L; Balandran, Luis M; Bell, Joseph A; Bolsover, Gale; Boyd, Paul D; Burritt, Candice C; Burrows, John M; Cain, Kelly E; Callahan, Christopher B - Washington, DC; Chapa, Albert; Christopher, Wylie R; Donnelly, John D; Draper, Robert D; Esteban, Patrick R; Felton, James K; Frink, Cecil A - Gary, IN; Gottfried, Andrew L; Hathcoat, Kenneth P; Hazan, Lori A; Herman, Stephanie L; Hertzler, Steven B; Higa, Ronald M - Long Beach, CA - Contractor; Hodges, Steven L; Johnson, Jeffrey G; Kirby, Sandra R; Martin, Cody C; Maskos, Mark D; Medrano, Daniel; Miller, Richard M - Dallas, TX; Morales, Carlos - OIG; Obando, Jose G; Pina, Raul A; Plumlee, Brian - OIG; Popp, Gregory J; Roels, Jeffrey C; Schubert, Jerry L - Insp Svc - Detroit, MI; Sheehan II, Richard F; Smith, Stephanie L; Werbick, Robert J; Wilkins, Chris L; Woodward Jr, Walter - Dulles, VA
Subject:

Good afternoon all,

At some point during the investigation of the Scottsdale, AZ Bomb Investigation (2004- present) you logged hours on the case. Trial prep is underway and the USAO wanted me to reach out to everyone who worked on the case to confirm you are not in possession of any documents, notes, etc from the investigation.

Please get back to me at your earliest convenience with even negative responses.

Thanks,

Terry Donnelly
AIC Phoenix Division

Motion to Dismiss Exhibit Three

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1 ANN BIRMINGHAM SCHEEL
2 Acting United States Attorney
District of Arizona

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7

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America

v.
Plaintiff,

3 Dennis Mahon
Daniel Mahon,

4 Defendants:

CR-09-00712-PHX-DGC

GOVERNMENT'S RESPONSE TO MOTION TO DISMISS

The government responds to Defendants' Motion to Dismiss, or in the Alternative to Either Preclude Witness Testimony or Continue Trial. (Docket #1336.) The government requests that the Motion be denied because the government complied with both Rule 16 and this Court's Order regarding *Jencks* disclosures. Moreover, Defendants' assertions that Alan Scott's testimony is a surprise are false because the government disclosed Alan Scott reports in 2010.

Dennis Mahon's Oral Statement

2 Defendants' Motion to Dismiss is predicated on the alleged late disclosure of Alan Scott's
3 interview with law enforcement. Alan Scott's statements were disclosed in compliance with this
4 Court's Order regarding *Jencks*, and disclosure was not required by Rule 16.

Rule 16 (a)(1)(A) of the Federal Rules of Criminal Procedure states:

Defendant's Oral Statement. Upon a defendant's request, the government must disclose to the defendant the substance of any relevant oral statement made by the defendant, before or after arrest, *in response to interrogation by a person the defendant knew was a government agent* if the government intends to use the statement at trial.

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1 (Emphasis added.)^{1/}

2 The government does not have a Rule 16 duty to disclose the Alan Scott report. This Court
 3 has not ordered, and could not compel, disclosure under this Rule. “The district court’s
 4 discovery order violates Rule 16(a)(1)(A) to the extent it compels disclosure of oral statements
 5 made by Hoffman not in response to interrogation by a person known to be a government agent.”
 6 United States v. Hoffman, 794 F.2d 1429, 1433 (9th Cir. 1986). The Court in Hoffman noted
 7 that “such witness’s statements are not discoverable except in accordance with the *Jencks* Act.”
 8 Hoffman, at 1433 (citing United States v. Walk, 533 F.2d 417, 418-20 (9th Cir.1975)). This
 9 Court’s Case Management Orders (12 and 13) required the disclosure of *Jencks* material by
 10 December 2, 2011. The government complied with the Court’s Order and disclosed *Jencks*
 11 material as required.

12 This Court has already ruled on Defendants’ statements in regard to Crawford v.
 13 Washington, 541 U.S. 36 (2004) and Bruton v. United States, 391 U.S. 123 (1968). (See Docket
 14 #1300.) The testimony of Alan Scott will reflect statements regarding Dennis Mahon’s conduct.
 15 The government will direct the testimony so that statements concerning Daniel Mahon will not
 16 be elicited.

17 **False Statements within Defendants’ Motion**

18 Defendants^{2/} request this Court dismiss this case due to “absolute and irreparable prejudice
 19 to Daniel Mahon.” (Motion, Page 4, Line 18 and Page 8, Lines 8-9.) Defendants assert that the
 20 government “conceal(ed) the Scott statements until December 2, 2011” and “the government
 21 disclosed for the first time purported statements of Dennis Mahon dating from July of 2009.”
 22 (Motion at Page 4, Line 18 and Page 5, Lines 1-3.) Defendants assert that the government’s
 23

24 ^{1/} Defendants failed to cite this obvious adverse authority in their Motion. The United
 25 States respectfully asserts that defense counsel is required to cite this adverse authority. See
Golden Eagle Distributing Corp. v. Burroughs Corp., 809 F.2d 584, 588 (9th Cir. 1987)(noting
 26 duties to cite adverse authority and avoid baseless claims).

27 ^{2/} Dennis Mahon joined Defendant Daniel Mahon’s Motion. (See Docket #1338.)

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1 conduct “violates due process,” “engages in hide-the-ball tactics,” and “creates prejudicial
 2 surprise.” (Motion, at Page 7, Lines 8-9; Page 8, Line 1; Page 5, Line 22.) In sum, Defendants
 3 ask this Court to sanction the government with the most extreme remedy available “because this
 4 late disclosure opens an entirely new and previously undisclosed line of investigation for which
 5 Daniel Mahon has no more pretrial time with which to adequately prepare.” (Motion, Page 8,
 6 Lines 15-17.)

7 Defendants’ allegations are stunningly false. On December 2, 2010, over one year ago, the
 8 government disclosed to the defense two reports and 10 pages of notes regarding the two Alan
 9 Scott interviews. First, the government disclosed to the defense a three-page Postal Service
 10 Memorandum of Interview of Alan Scott. (Bates “USPS Supp” 40-42.) This report was written
 11 by Postal Inspectors Donnelly and Freeman, and concerned the first proffer of Scott on August
 12 10, 2009. Second, the government also disclosed a second draft report regarding Alan Scott
 13 written by Postal Inspector Felton. (Bates “USPS Supp” 47-49.) This report summarized an
 14 August 28, 2009 interview between Scott, Inspector Felton, and Special Agent Moreland.
 15 ^{3/} Third, the government further disclosed 10 pages of notes of the August 28 interview of Scott.
 16 (Bates “USPS Supp” 50-59.) ^{4/}

17 The reports and notes disclosed in 2010 contain all of Dennis Mahon’s statements that
 18 Defendants’ allege were recently disclosed. Stated differently, there is no new material
 19 information in the December 2, 2011 disclosure. Defendants’ Motion alleges that statements by
 20 Alan Scott are “entirely new and previously undisclosed.” (Motion, Page 5, Lines 13-14.) All
 21 of the statements Defendants allege are newly disclosed were included in the 2010 discovery.

22 Defendants statements are perhaps attributable to oversight except for the fact that defense
 23 counsel emailed the government and co-counsel regarding these exact Postal reports and notes.
 24 Defense counsel requested all interviews and the proffer agreement for Scott, and defense

25 ^{3/} The August 28, 2009 interview is also summarized in ROI 308. This report was
 26 authored by Special Agent Moreland, and disclosed to the defense on December 2, 2011.

27 ^{4/} The reports, note, and email will be filed separately under seal.

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1 counsel referred the government to the "USPS Supp" section containing these reports. The
2 specific page noted by the defense explicitly refers to the 2010 Scott proffer. Defense counsel's
3 email was sent to government counsel on December 8, 2011, four days before Defendants filed
4 and joined the Motion to Dismiss. All counsel were copied on this December 8, 2011 email. This
5 email would appear to prove that Defendants were well aware of Alan Scott's statements for
6 over a year.

7 The government is the first to acknowledge that errors and oversights occur during a case
8 of this size. Attorneys make mistakes and occasionally fail to meet deadlines. Defendants'
9 Motion to Dismiss, however, fails at any standard of fair advocacy. Ultimately, the government
10 cannot reconcile the government's disclosure and Defendant's December 8 email with the
11 numerous allegations contained within Defendants' Motion to Dismiss. In addition, this is not
12 first instance where Defendants have unfairly described the status of disclosure in this case.⁵¹
13 Defendants' Motion to Dismiss is inaccurate, frivolous, and a waste of this Court's time. If
14 similar inaccurate pleadings are filed during trial, they will continue to waste the time of the
15 Court, jury, and counsel.

16

17 Respectfully submitted this 14th day of December, 2011.

18

19 ANN BIRMINGHAM SCHEEL
20 Acting United States Attorney
District of Arizona

21

22 s/ John Boyle
JOHN BOYLE
Assistant U.S. Attorney

23

24

51 See Docket #1246 and #1257. Defendants filed a Notice pleading with the Court asserting that government misconduct of withholding evidence could require future motions. The government responded that Defendants failed to inform the Court that Defendants had received written reports regarding that evidence and that the defense had actually viewed the evidence they claimed was withheld. The Court did not inquire into the matter further because Defendants' Notice did not require a decision from the Court.

25

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on December 14, 2011, I electronically transmitted the attached document
3 to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of
3 Electronic Filing to the following CM/ECF registrants:

4 Deborah L. Williams, Attorney for Dennis Mahon
5 Barbara L. Hull, Attorney for Daniel Mahon

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Motion to Dismiss Exhibit Four

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

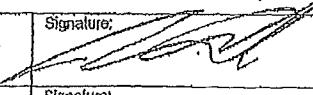
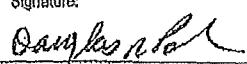
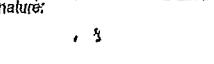
Title of Investigation: Logan Bombing	Investigation Number: 785080-04-0012	Report Number: 308
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SUMMARY OF EVENT:

Interviews of Cooperating Defendant Alan C. Scott regarding information gained by Scott during his incarceration with suspect Dennis MAHON in the Metropolitan Correctional Center, Chicago, Illinois.

NARRATIVE:

- On August 10, 2009, United States Postal Inspector's John Donnelly and Kevin Freeman interviewed Alan C. Scott, a cooperating defendant. This interview took place at the United States Attorney's Office, 219 S. Dearborn Street, Chicago, Illinois. Assistant United States Attorney (AUSA) Nathalina Hudson was also present during the interview. The following information derived from the initial interview of Scott was provided to Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent (SA) Tristan Moreland by Inspector Donnelly.
- A proffer interview was conducted with Alan C. Scott relative to an investigation into mail and wire fraud schemes involving Scott's sale of items on eBay and his failure to deliver the items. Also present was Scott's attorney, David Schippers. Prior to the interview Scott and Schippers were provided a standard proffer letter from the United States Attorney and Schippers reviewed it with Scott. Scott advised that he wished to provide the government with information he obtained relative to an individual named Dennis Mahon who is currently being held in custody for sending a package bomb that detonated in Arizona. Subject to the proffer agreement Scott related the following.
- Scott has been incarcerated at the Metropolitan Correctional Center (MCC) Chicago since his arrest on mail fraud charges on March 27, 2009. Scott had been providing information to certain BOP officers at the MCC relative to criminal conduct going on in the MCC. Scott provided information relative to a shiv (makeshift prison knife) being hidden on his floor which led to the search of the tier for the shiv by guards. The guards did not find the shiv possibly because one of the guards may have tipped off the search. The guards placed Scott in segregation for his protection. While in segregation Scott was incarcerated in cell 1102 from about June 19, 2009 to July 10, 2009.
- On about July 2, 2009, Scott was assigned a new roommate who told Scott his name was Dennis Mahon. Mahon told Scott that people called him Bill. When Scott asked Mahon what he was in for

Prepared by: Tristan Moreland	Title: Special Agent, Phoenix V (Arson) Field Office	Signature: 	Date: 9/3/09
Authorized by: Douglas R. Palmer	Title: Group Supervisor, Phoenix V (Arson) Field Office	Signature: 	Date: 9/3/09
Second level reviewer (optional): William D. Newell	Title: Special Agent in Charge, Phoenix Field Division	Signature: 	Date: 9/3/09

Title of Investigation: Logan Bombing	File Number: 180-04-0012	Report Number: 308
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he said that he was in for making bombs and that he was the Phoenix bomber. Scott and Mahon were the only two held in cell 1102 until Scott was moved out on July 10, 2009. During the course of their time held together the two had several conversations in which Mahon disclosed information about himself and his activities, including the following.

5. Dennis and his brother Dan were both charged. They lived at 5794 North Backwoods Road, Davis Junction, IL 61020. His cell phone number was 815-393-4626. Dennis provided Scott with this address information on a piece of paper that Scott still had in his locker. Scott will give any papers he has from Mahon to his attorney who will provide them to the government.
6. Mahon said that he was a former Grand Dragon of the Ku Klux Klan in Missouri. Mahon was part of a group or faction he referred to as the "third position." Mahon told Scott that he was a friend of white supremist Tom Metzger. Mahon explained that he had butted heads with Metzger because he wanted to take the organization more communist and Metzger was against that.
7. Mahon described the raid on his home in Davis Junction by agents and told Scott that he was going to fight it out with agents. Mahon said that he was on the phone with Metzger when he was in the standoff with agents and that Metzger convinced him to surrender to agents. Mahon had a cut on his ear, and when Scott asked about it Mahon told Scott that when agents were trying to take him in custody he had a knife up to his ear, and that led to the cut.
8. Scott recalled that Mahon said that in 2004, or 2005, he was in Phoenix, Arizona and was with a woman. This woman, whose name was not given by Mahon, introduced him to a man from Europe. Mahon told Scott the name of the individual but Scott could not presently recall the name. Scott believed that the name might have started with a "G". Mahon told Scott that this man was a protestant and had recently been released from prison in the United Kingdom for blowing up a building. Both Dennis and Dan met this man and wanted to impress him so they decided to blow up the Diversity Office.
9. Mahon told Scott that the bomb was sent to the Diversity Office as a payback. Mahon explained to Scott that the city fired three white police officers who had done something wrong to some minorities. Mahon said somebody blew the whistle, which led to the firings. Mahon said that he made and mailed the bomb (Scott clarified this during the August 28 interview by stating that Mahon said he sent the bomb.) Mahon said that it was a package bomb and that the bomb was contained in a box. Mahon said that when a guy opened the box it went boom, but it only blew off three of his fingers.
10. Mahon said that he and his brother went to Phoenix in an RV and that after the bombing they had to get out of town quickly. Mahon told Scott that they drove to Tulsa, Oklahoma and met up with a white supremacist named Harrington. Mahon told Scott that Harrington helped out the Mahons and he helped him by letting him live with them. It was not clarified at the time of this interview whether when Scott said, "he helped them by letting him live with them," Scott meant that Mahon helped Harrington by letting Harrington live with the Mahons, or Harrington helped the Mahons by letting the Mahons live with Harrington's group. Mahon said that this was where they met up with Alicia Stubb or Stubbs, who Mahon said was a CI for the ATF.
11. Mahon told Scott that he used a book(s) to make the Phoenix bomb. Mahon told Scott that he knew Timothy McVeigh; the Oklahoma City bomber. Mahon told Scott that he had sold McVeigh some

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guns and books. Mahon told Scott that he sold McVeigh "The Anarchist's Cookbook" and the "Poor Man's James Bond." Mahon told Scott that he used the same book that he sold to McVeigh to make the Phoenix bomb.

12. Scott said that Mahon wanted to help out his brother and was thinking of admitting to the whole thing to help his brother. Scott said that Mahon said he was only charged with conspiracy, not the actual bombing, and was only looking at three years. It was not clarified at the time of this interview whether when Scott said "he" Scott was referring to Dennis or Dan Mahon being charged with conspiracy.

13. Mahon also told Scott about a photo he and his brother posted on the internet of him and his brother in front of a Ryder truck. They did this to mess with the FBI.

14. On August 28, 2009, ATF SA Tristan Moreland conducted a follow-up interview with Alan C. Scott. Also present during this interview was United States Postal Inspectors James Felton and John Donnelly as well as AUSA Nathalina Hudson. The following is a summary of that interview.

15. On August 28, 2009, Alan Scott was interviewed at the United States Attorney's Office in Chicago, IL. Present during the interview were Alcohol Tobacco, Firearms and Explosives (ATF) Special Agent Tristan Moreland, Postal Inspectors James Felton and John Donnelly, and Assistant United States Attorney (AUSA) Nathalina Hudson. Alan Scott is incarcerated at the Metropolitan Correctional Center (MCC) in Chicago, IL, for charges stemming from a mail fraud scheme investigated by the U.S. Postal Inspection Service. Mr. Scott agreed to provide information regarding a mail bomb investigation unrelated to any charges pending against him.

16. Mr. Scott stated that while incarcerated at MCC he shared a cell with an individual he came to know as Dennis Mahon. Mr. Scott said he and Mahon shared a cell (in the hole) for approximately 11 days in June-July 2009. Mr. Scott advised that on the first day he met Dennis Mahon he asked him "What did you do?" Mr. Scott said that Dennis told him that he couldn't talk about it but when Scott stated he (Dennis) must be incarcerated for touching kids, Mahon said he was in for conspiracy to make a bomb.

17. Mr. Scott stated that he and Dennis Mahon found they had an interest in military history in common and that is how they began talking about bombs. Mr. Scott said that Dennis told him he had known Tim McVeigh and that he (Dennis) was the number 3 anonymous person in the Oklahoma City bombing investigation. Mr. Scott advised Dennis told him he and his brother (Daniel) had taken a photo posing with a Rider truck and placed it on the internet. Dennis Mahon told Mr. Scott that the photo was the cause of a fight between he (Dennis) and Tom Metzger.

18. Mr. Scott said Dennis told him he had 150 Federal agents at his house to arrest him and that he was going to take out his AK-47 and shoot it out. Mr. Scott related Dennis said at the time of the arrest he was on the phone with Tom Metzger and asked Metzger what to do regarding the standoff with the police. Dennis said that Metzger told him not to shoot it out and that "we will get you out of this." Mr. Scott said Dennis told him he got into the white supremacist movement while working for an airline in Florida. Mr. Scott said Dennis' brother Daniel may have been working for Eastern Airlines at the time.

19. Mr. Scott related Dennis Mahon's account of the riots in Florida in the early 1980's while he (Dennis) was in the National Guard. Mr. Scott advised Dennis Mahon told him that during the riots he was able to open up and shoot people and that he doesn't know how many he shot. Mr. Scott said Dennis told him he met Tim

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McVeigh at a gun show when he sold McVeigh books to include The Poor Man's James Bond, and the Anarchist Handbook.

20. Mr. Scott advised Dennis talked about his home in Davis Junction, IL, describing the area. Ms. Scott said Dennis told him the cops didn't find everything during the search warrant executed on the property, that they only found a couple books and small guns. Mr. Scott advised Dennis said there were 2-3 more weapons that were not found. Mr. Scott said Dennis described an area where he and his brother Daniel hid as children where additional illegal items were hidden. Ms. Scott advised Dennis mentioned that the area was so well hidden that he and Daniel had run away from home as children for over a day, hiding in this spot and were not found despite a police search. Mr. Scott said Dennis told him the hiding spot was over a hill near a retention ditch or storm water basin.
21. Mr. Scott said Dennis told him that while in Tulsa, OK. Dennis and Daniel met an individual known to them as "Harrington" who was an associate of Tom Metzger and who was on the run or wanted. Dennis stated that Harrington moved in with them in Tulsa for period of time. Dennis indicated to Scott that Harrington was associated with another bombing.
22. Mr. Scott advised Dennis also discussed meeting an individual who was allegedly a convicted bomber from England or Ireland. This person, whom Scott could not recall his name, was accompanied by a female whose name may have started with a "G." Scott recalled Dennis saying that this female use to date white supremacist Bill White and that her father was once in the CIA. Mr. Scott said Dennis told him there were bands at the event where they met and that both Dennis and Daniel wanted to show this person that they knew what they were doing, and wanted to impress him with their ability to blow things up.
23. Mr. Scott related Dennis spoke about the bombing in Arizona relating that three white police were fired and somebody had to protect the rights of the white men. Mr. Scott advised Dennis told him the Diversity Officer was blown up because he (the Diversity Officer) was the focal point of getting these white cops fired. Mr. Scott said Dennis told him he himself built the bomb, and that he learned how from books and the internet and that it was his first amendment right to do so. Mr. Scott stated Dennis told him that a black guy only lost 2 or 3 fingers, and that he doesn't know what the big deal is. Mr. Scott said Dennis told him he (Dennis) sent the bomb from Litchfield or Litchfield Park. Mr. Scott advised that Dennis told him that Litchfield Park is a nice area and nobody would expect someone like Dennis to be there. Mr. Scott said Dennis told him that he and Daniel drove their Recreational Vehicle (RV) from Litchfield Park to Oklahoma. Mr. Scott stated Dennis told him he (Dennis) left after the bomb exploded, that the Governor of AZ began a "stop hate" campaign, and he and Daniel drove the RV to Tulsa, OK. Mr. Scott stated Dennis told him a person can make a bomb out of things that can be bought at a hardware store and that he was able to construct the bomb from normal everyday things he got from his farm. Mr. Scott said Dennis mentioned fertilizer could be mixed with other things to construct a bomb.
24. Mr. Scott said he remembers when Dennis first told him about his involvement with the bomb, that Dennis told him about it on the 4th of July. Mr. Scott stated he and Dennis were in their cell, that the lights had been turned off at 10:30pm and they heard the fireworks going off in Chicago. Mr. Scott said he remembers that when the lights went off Dennis put his mattress on the floor and he (Scott) was on the lower bunk.
25. Mr. Scott advised Dennis told him while in Tulsa they met Harrington, that he stayed with the Mahons while he was on the run from the law. Mr. Scott said Dennis told him Tom Metzger or White instructed Dennis to help Harrington, to hide him out and that is why they stopped in Tulsa.

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26. Mr. Scott stated Dennis told him he and Daniel met the CI in Tulsa, when they stopped to help her fix a flat tire. Mr. Scott advised Dennis told him that as they got to know the CI she tried to get him to make a bomb to hurt her x-husband or x-boyfriend. SA Moreland asked Mr. Scott if he recognized the name "Becca" and he responded no. Mr. Scott was asked if Dennis mentioned a newspaper article, "Drunk Times" and Scott responded no. SA Moreland asked Mr. Scott if Dennis mentioned anything about Tom Metzger and Scott replied that Dennis told him Metzger was "the leader", "the boss", the "top dog" and that all the money they didn't need to live on went to "the church" a reference to Metzger's organization. SA Moreland asked Mr. Scott if Dennis ever mentioned the term "WAR" or "White Aryan Resistance" and Scott said he was not sure, that Dennis was always worried about being overheard. SA Moreland asked Mr. Scott if Dennis ever mentioned knowing an individual in Missouri and Scott said no. SA Moreland asked Mr. Scott if he recognized the name Steve Waddell and Scott said he did but does not remember how it came up or what Dennis said about Waddell. SA Moreland asked Mr. Scott if he recognized the name John McLaughlin and Scott said Dennis told him McLaughlin was a machine gun supplier who received a light sentence of three years. Mr. Scott said Dennis told him he thought McLaughlin was an informant, a "Benedict Arnold".

27. Mr. Scott said Dennis told him Daniel is shyer than Dennis, that he (Dennis) would follow Daniel around on his jobs with the airline, and that is how they ended up in Florida. Mr. Scott advised Dennis told him he felt bad about involving his brother (in the bombing case) that he felt like he dragged Daniel into it. Mr. Scott stated Dennis told him he believed Daniel would get out of jail on bond and would then contact Tom Metzger to arrange a legal team. Mr. Scott said Dennis told him Daniel would bond out; buy a pre paid phone from Wal-Mart to contact Metzger, because they didn't want to use the house phone. Mr. Scott said Dennis told him Daniel and Metzger would get together a big defense team that would get he and Daniel off. Mr. Scott stated Dennis said his 89 year old father had money in a safe deposit box, over \$100,000.00 and would use the money to build a defense team based on Metzger's advice.

28. Mr. Scott said Dennis told him he had been arrested and subsequently deported from Canada, that they tried to charge him with trying to overthrow the government. SA Moreland asked Dennis about several subjects; whether Dennis mentioned "Heritage Front", "abortion clinic", "God City", "Andy (Andreas) Strassmeir (sp)", and "Tommy Gun" and to each Scott replied no.

29. Mr. Scott said he is sure about the name Harrington, that he uses word association to remember names and used Joey Harrington the football player to remember the name Harrington.

30. SA Moreland asked Mr. Scott if Dennis ever mentioned the Archangel Michael and Scott said he and Dennis used to pray together, that Dennis would read scripture. Mr. Scott said Dennis would always read from the passage regarding the Archangel Michael and highlighted passages in the bible. Mr. Scott stated he gave Dennis the bible and described it as having a faded bluish cover on it, but did not know if Dennis got it out of MCC.

There is no Page 6 to ROI 308

Subject: FW: US v. Alan C. Scott CR-2009-00295-1

From: Hudson, Nathalina (USAILN)
Sent: Friday, December 02, 2011 11:13 AM
To: Karmgard, Melody (USAAZ)
Cc: Morrissey, Mike (USAAZ)
Subject: RE: US v. Alan C. Scott CR-2009-00295-1

The case number is 08 CR 652. There was no plea agreement. Scott entered a blind plea.

MINUTE entry before the Honorable Joan B. Gottschall as to Alan C Scott(1); Change of plea hearing held. Defendant enters plea of guilty to Count One and Eight of SupersedingIndictment. Finding of guilty entered. Order presentence investigation report. Sentencing memoranda and/or objections to psr due by 1/6/11. Responses by 1/13/11. Sentencing set for 1/19/11 at 2:00PM. Nosentencing memoranda or objections to presentence reports or responses will be considered if filed out of time unless a motion to file late is made no less than one week prior to the date set for sentencing. Nosentencing hearing will be continued unless the courtroom deputy is notified of the need to change in writing at least one week (7 days) prior to the date set for sentencing. Failure to comply with this standing order will result in counsel being sanctioned in the amount of \$100.00 which shall be paid to the Clerk of Court, 219 S.Dearborn, 20th floor, Chicago, Illinois 60604. Same bond to stand. No written agreement.Mailed notice (yap,)
(Entered: 09/28/2010)

Case: 1:08-cr-00652 Document #: 26 Filed: 04/23/09 Page 1 of 20 PageID #:59

FILED 8 LT

APR 23 2009

MAGISTRATE JUDGE
GERALDINE SOAT BROWN
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA) No. 08 CR 652
)
v.) Violations: Title 18, United
) States Code, Sections 1341,
) 1343 and 3147 JUDGE GOTTSCHALL
)
ALAN C. SCOTT) SUPERSEDING INDICTMENT

MAGISTRATE JUDGE MASON
COUNT ONE

The SPECIAL FEBRUARY 2008-2 GRAND JURY charges:

1. At times material to this indictment:

a. eBay.com ("eBay") was an Internet auction site on which computer users could mass-advertise items for sale by the process of auction. eBay required users to register with eBay by providing a name, address, e-mail address and telephone number prior to conducting transactions. eBay users selected a "User ID" during the registration process which identified the user to other eBay users during auctions.

b. When an individual registered with eBay via the Internet, eBay transmitted the identifying information utilized to establish the eBay account by wire from the user's location to eBay's collection of computer servers for processing, data storage and future use. eBay's computer servers were contained within an Internet data center in California. Thereafter, any information communicated to eBay over its website, including registration information submitted by a user, was directed via wire to eBay's computer servers in California.

c. After registration, a seller was able to transmit information via computer to the eBay website describing the property for sale and inviting bids on the item. Prospective buyers

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submitted bids on the items by transmitting information about the amount of the bid via computer to the eBay website. The highest bidder was typically deemed the winner of the auction, and once the winning bidder was determined, the seller of the item and the bidder communicated with each other by e-mail or telephone to arrange shipment of and payment for the item. Payment options used by eBay sellers and buyers included personal check, wire transfer, money order, cashier's check, credit card or PayPal.

d. PayPal was a company owned by eBay which served as an intermediary between buyers and sellers for transmitting payment on auctioned items. PayPal allowed an eBay user to set up an account in order to avoid providing a check or credit card number to an unknown seller. Under this service, an eBay user provided PayPal with a credit card number or bank account number. PayPal then charged the buyer's PayPal account and remitted the proceeds to the seller's PayPal account. Any information communicated to PayPal by computer was also directed via wire to eBay's computer servers in California.

e. As part of the eBay registration process, all eBay users had to agree to comply with eBay's User Agreement. The User Agreement described the terms under which eBay offered users access to its online services. In the User Agreement, eBay specified various "restricted activities" from which all eBay users agreed to refrain. eBay listed a seller's failure to deliver items purchased from the seller as one of the restricted items. eBay notified its users that any eBay user who did not agree to abide by the User Agreement restrictions was not permitted to use the auction services on eBay's Internet site and that, if a user was found in violation of an eBay policy, the user could be removed from the site.

f. After eBay removed an account from its site as a result of fraud or other

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misconduct by a user, eBay would take steps to preclude the individual from registering and opening another eBay account.

g. Defendant ALAN C. SCOTT was a resident of Illinois. SCOTT maintained accounts in Illinois in his own true name at J.P. Morgan Chase Bank NA ("Chase Bank"), as well as accounts at Chase Bank held jointly in his own name and the names of various purported business entities.

2. Between approximately November 2004 and December 2008, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALAN C. SCOTT,

defendant herein, devised and intended to devise, and participated in, a scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations and promises in connection with items offered for sale through eBay Internet auction sites, which scheme is further described below.

3. It was part of the scheme that, between November 2004 and December 2008, defendant ALAN C. SCOTT registered with eBay to open at least approximately 54 different accounts with user names which included ALLIECAT10000, VIDEOKING123, TOOLSHOP 13, dogtags101, rubyshipper10, and SMSMOORE. SCOTT used aliases and false addresses when registering with eBay to open these accounts. SCOTT provided multiple false names and addresses to eBay when registering in order to prevent eBay from cross-referencing and thereby determining that he was associated with the accounts.

4. It was further part of the scheme that SCOTT initially offered low price items for sale under an account or user name and accepted bids on the items. SCOTT provided the winning

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bidders with the items in order to establish a record of satisfied customers under the account name.

5. It was further part of the scheme that, once the account or user name received a satisfactory rating, SCOTT offered higher priced items for bidding. SCOTT, using the false name under which he had opened the account, notified individuals that they had placed the winning bid and arranged for the winning bidder to send payment to a specified location or through PayPal to a specified account.

6. It was further part of the scheme that, after receiving payment from the winning bidder, SCOTT did not send the item to the winning bidder.

7. It was further part of the scheme that, after bidders complained to eBay that they had not received the items for which they had paid and eBay closed the account, SCOTT opened new accounts with eBay using a different user name supported by false names and addresses and began the process again to establish a satisfactory rating before collecting money without sending out the item for which a winning bidder had paid.

8. It was further part of the scheme that SCOTT's sales through the approximately 54 different eBay accounts which he opened and caused to be opened exceeded approximately \$211,510.

9. It was further part of the scheme that SCOTT opened approximately 23 different accounts at Chase Bank in his own name and in the names of various purported business entities for use in connection with one or more of the eBay accounts SCOTT had opened.

10. It was further part of the scheme that SCOTT opened and caused to be opened mail boxes at UPS facilities at various locations in Illinois, Wisconsin, Indiana and New Mexico, in order

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to receive the payments from the winning bidders.

11. It was further part of the scheme that, on or about January 27, 2005, SCOTT opened Account No. 689469096 at Chase Bank in his own name.

12. It was further part of the scheme that, on or about February 10, 2005, SCOTT opened Account No. 641776695 at Chase Bank in his own name and the name of "Midwestern Maintenance Company."

ALLIECAT10000 (Victims A and B)

13. It was further part of the scheme that, on or about June 7, 2007, SCOTT opened and caused an eBay account to be opened in the user name "ALLIECAT10000" and registered the account using a false name and address.

14. It was further part of the scheme that, on or about July 7, 2007, SCOTT rented mail box PMB 242 at a UPS Store located at 4710 Lincoln Highway, Matteson, Illinois. SCOTT received mail at that location in the names of "Midwestern Maintenance Supply" and "AM Supply," among other names of purported business entities.

15. It was further part of the scheme that, between on or about July 12, 2007, and on or about July 22, 2007, SCOTT sold or caused to be sold approximately 49 items totaling approximately \$20,776 using the ALLIECAT10000 account on eBay.

16. It was further part of the scheme that, between on or about July 14, 2007, and on or about July 20, 2007, Victim A purchased through auction a total of four rare coins from ALLIECAT10000 on eBay for the total price of approximately \$880.49.

17. It was further part of the scheme that, based on directions provided by SCOTT using the ALLIECAT10000 account on eBay, Victim A obtained three money orders made payable to

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"AM Supplies" and mailed the money orders to AM Supplies at 4710 Lincoln Highway, PMB #242, Matteson, Illinois 60443.

18. It was further part of the scheme that, on or about July 20, 2007, Victim B purchased through auction a rare coin from ALLIECAT10000 on eBay for the price of approximately \$188.00.

19. It was further part of the scheme that, based on directions provided by SCOTT using the ALLIECAT10000 account on eBay, Victim B obtained a money order in the amount of \$199.59 made payable to "AM Supplies" and mailed the money order to AM Supplies at 4710 Lincoln Highway, PMB 242, Matteson, Illinois 60443.

20. It was further part of the scheme that, between on or about July 23, 2007, and on or about July 30, 2007, SCOTT deposited and caused to be deposited three of Victim A's money orders and Victim B's money order into Account No. 641776695 at Chase Bank.

21. It was further part of the scheme that SCOTT never sent Victims A and B the rare coins that they had purchased from him on eBay.

22. It was further part of the scheme that, on or about July 24, 2007, eBay suspended the ALLIECAT10000 account.

VIDEOKING123 (Victim C)

23. It was further part of the scheme that, on or about November 8, 2007, SCOTT opened and caused an eBay account to be opened in the user name "VIDEOKING123," and registered the account using a false name and address.

24. It was further part of the scheme that, on or about October 25, 2007, SCOTT rented Box 301 at a UPS Store located at 6300 Kingery Highway, Willowbrook, Illinois. SCOTT received mail at that location in the names of "Suncoast Tile Supply" and "Video King" among other names

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of purported individuals and business entities.

25. It was further part of the scheme that, between on or about January 6, 2008, and on or about January 21, 2008, SCOTT sold or caused to be sold approximately 131 items totaling approximately \$12,254 using the VIDEOKING123 account on eBay.

26. It was further part of the scheme that on or about January 14, 2008, Victim C purchased through auction a rare coin from VIDEOKING123 on eBay for a price of approximately \$894.07.

27. It was further part of the scheme that, based on directions provided by SCOTT using the VIDEOKING123 account on eBay, Victim C prepared a personal check in the amount of approximately \$903.02 made payable to "Linda Miller" and mailed the check to Video King at 6300 Kingery Highway, Suite 416-301, Willowbrook, Illinois 60527.

28. It was further part of the scheme that, on or about January 17, 2008, SCOTT deposited and caused to be deposited Victim C's check into Account No. 641776695 at Chase Bank.

29. It was further part of the scheme that SCOTT never sent Victim C the rare coin that Victim C had purchased from him on eBay.

30: It was further part of the scheme that, on or about February 1, 2008, eBay suspended the VIDEOKING123 account.

TOOLSHOP13 (Victims D and E)

31. It was further part of the scheme that, on or about November 9, 2007, SCOTT opened and caused an eBay account to be opened in the user name "TOOLSHOP 13" and registered the account using a false name and address.

32. It was further part of the scheme that, on or about January 17, 2008, SCOTT caused

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an individual ("Individual A") to rent a mail box 171 in Individual A's name at a UPS Store located at 3015 East New York Avenue, Aurora, Illinois.

33. It was further part of the scheme that, between on or about February 17, 2008, and on or about February 23, 2008, SCOTT sold or caused to be sold approximately 134 items totaling approximately \$18,552 using the TOOLSHOP 13 account on eBay.

34. It was further part of the scheme that, on or about March 10, 2008, Victim D purchased through auction a saw from TOOLSHOP13 on eBay for a price of approximately \$117.50.

35. It was further part of the scheme that, based on directions provided by SCOTT using the TOOLSHOP13 account on eBay, Victim D obtained a money order in the amount of approximately \$129.75 made payable to "Sally Bailey" and mailed the money order to The Tool Shop, 3015 East New York Street, Suite A2-171, Aurora, Illinois 60504.

36. It was further part of the scheme that, on or about March 10, 2008, Victim E purchased through auction a tool set from TOOLSHOP13 on eBay for a price of approximately \$404.00.

37. It was further part of the scheme that, based on directions provided by SCOTT using the TOOLSHOP13 account on eBay, Victim E obtained a money order in the amount of approximately \$413.00 made payable to "Sally Bailey" and mailed the money order to Suncoast Tile, 6300 Kingery Highway, 416-301, Willowbrook, Illinois 60527.

38. It was further part of the scheme that, between on or about March 17, 2008 and on or about March 28, 2008, SCOTT deposited and caused to be deposited the money orders from Victims D and E into Account No. 689469096 at Chase Bank.

39. It was further part of the scheme that SCOTT never sent Victims D and E the items

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that they had purchased from him on eBay.

40. It was further part of the scheme that, on or about March 23, 2008, eBay suspended the TOOLSHOP13 account.

SMSMOORE (Victims F and G)

41. It was further part of the scheme that, on or about March 10, 2008, SCOTT opened and caused an eBay account to be opened in the user name "SMSMOORE" and registered the account using a false name and address.

42. It was further part of the scheme that, beginning on or about March 31, 2008, SCOTT sold or caused to be sold at least approximately 445 items using the SMSMOORE account on eBay.

43. It was further part of the scheme that, on or about April 14, 2008, Victim F purchased through auction a drill from SMSMOORE on eBay for a price of approximately \$92.00.

44. It was further part of the scheme that, Victim F authorized the payment of approximately \$92.00 through Victim F's PayPal account to a PayPal account SCOTT had earlier established using a false name on the account.

45. It was further part of the scheme that, on or about April 14, 2008, after SCOTT's PayPal account had been credited with the approximately \$92.00 received from Victim F, SCOTT authorized PayPal to send via wire transfer approximately \$300 to an account in SCOTT's name at Chase Bank.

46. It was further part of the scheme that, on or about June 7, 2008, Victim G purchased through auction a Naval uniform with medals for "Sub" Chief from SMSMOORE on eBay for a price of approximately \$104.00.

47. It was further part of the scheme that, based on directions provided by SCOTT using

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the SMSMOORE account on eBay, Victim G obtained a money order in the amount of approximately \$119.50 made payable to "Austin Scott" and mailed the money order to Suncoast Tile, 6300 Kingery Highway, Suite 416-301, Willowbrook, Illinois 60527.

48. It was further part of the scheme that, on or about June 13, 2008, SCOTT deposited and caused to be deposited the money order from Victim G into Account No. 689469096 at Chase Bank,

49. It was further part of the scheme that SCOTT never sent Victims F and G the items that Victims F and G had purchased from him on eBay.

DOGTAGS101 (Victim H)

50. It was further part of the scheme that on or about November 16, 2008, SCOTT caused an individual ("Individual B") to open an eBay account in the user name "dogtags101" and registered to Individual B.

51. It was further part of the scheme that SCOTT caused Individual B to set up the "dogtags101" account so that eBay users who purchased items from dogtags101 would send their payments to Individual B's home address.

52. It was further part of the scheme that SCOTT caused Individual B to set up a PayPal account, which was linked to Individual B's National City Bank account.

53. It was further part of the scheme that, beginning on or about November 16, 2008, SCOTT caused Individual B to list military uniforms and medals for sale on eBay.

54. It was further part of the scheme that on or about December 2, 2008, Victim H agreed over email to purchase a military uniform, ribbons, and medals for a price of approximately \$913.00.

55. It was further part of the scheme that Victim H obtained a money order in the amount

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of \$913.00 made payable to Individual B and mailed the money order to Individual B's home address.

56. It was further part of the scheme that SCOTT caused Individual B to cash Victim H's money order through Individual B's bank account at National City and give the proceeds from the money order, totaling approximately \$913, to SCOTT.

57. It was further part of the scheme that SCOTT failed to send Victim H two of approximately 13 items that Victim H purchased from SCOTT.

58. It was further part of the scheme that SCOTT misrepresented, concealed and hid, and caused to be misrepresented, concealed and hidden, the purposes of and acts done in furtherance of the aforementioned scheme.

59. On or about July 23, 2007, at Matteson, in the Northern District of Illinois, and elsewhere,

ALAN C. SCOTT,

defendant herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be delivered by United States Mail, according to the directions thereon, an envelope addressed to AM Supplies, 4710 Lincoln Highway, PMB # 242 , Matteson, IL 60443, which contained two money orders made payable to AM Supplies, in the total amount of approximately \$470.44, which represented payment to SCOTT for items that Victim A had agreed to purchase from the ALLIECAT10000 account on eBay;

In violation of Title 18, United States Code, Section 1341.

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COUNT TWO

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-58 of Count One of this indictment.
2. On or about July 30, 2007, at Matteson, in the Northern District of Illinois, and elsewhere,

ALAN C. SCOTT,

defendant herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be delivered by United States Mail, according to the directions thereon, an envelope addressed to AM Supplies, 4710 Lincoln Highway, PMB 242, Matteson, IL 60443, which envelope contained a money order made payable to AM Supplies, in the amount of approximately \$199.59, which represented payment to SCOTT for an item that Victim B had agreed to purchase from the ALLIECAT10000 account on eBay;

In violation of Title 18, United States Code, Section 1341.

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COUNT THREE

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-58 of Count One of this indictment.
2. On or about January 17, 2008, at Willowbrook, in the Northern District of Illinois, and elsewhere,

ALAN C. SCOTT,

defendant herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be delivered by United States Mail, according to the directions thereon, an envelope addressed to Video King, 6300 Kingery Highway, Suite 416-301, Willowbrook, IL 60527, which envelope contained a check made payable to Linda Miller, in the amount of approximately \$903.02, which represented payment to SCOTT for an item that Victim C had agreed to purchase from the VIDEOKING123 account on eBay;

In violation of Title 18, United States Code, Section 1341.

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COUNT FOUR

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-58 of Count One of this indictment.
2. On or about March 25, 2008, at Aurora, in the Northern District of Illinois, and elsewhere,

ALAN C. SCOTT,

defendant herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be delivered by United States Mail, according to the directions thereon, an envelope addressed to The Tool Shop, 3014 East New York Street, Suite A2-171, Aurora, IL 60504, which envelope contained a money order made payable to Sally Bailey, in the amount of approximately \$129.75, which represented payment to SCOTT for an item that Victim D had agreed to purchase from the TOOLSHOP13 account on eBay;

In violation of Title 18, United States Code, Section 1341.

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COUNT FIVE

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-58 of Count One of this indictment.
2. On or about March 17, 2008, at Willowbrook, in the Northern District of Illinois, and elsewhere,

ALAN C. SCOTT,

defendant herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be delivered by United States Mail, according to the directions thereon, an envelope addressed to Suncoast Tile, 6300 Kingery Highway, 416-301, Willowbrook, IL 60527, which envelope contained a money order made payable to Sally Bailey; in the amount of approximately \$413.00, which represented payment to SCOTT for an item that Victim E had agreed to purchase from the TOOLSHOP13 account on eBay;

In violation of Title 18, United States Code, Section 1341.

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COUNT SIX

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-58 of Count One of this indictment.
2. On or about April 14, 2008, at Homewood, in the Northern District of Illinois, and elsewhere,

ALAN C. SCOTT,

defendant herein, for the purpose of executing the aforesaid scheme, and attempting to do so, did knowingly cause to be transmitted in interstate commerce between Homewood, Illinois and California, certain writings, signs, and signals, namely, a direction from Victim F to transfer funds from Victim F's PayPal account for the purchase of an item from the TOOLSHOP13 account on eBay;

In violation of Title 18, United States Code, Section 1343.

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COUNT SEVEN

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-58 of Count One of this indictment.
2. On or about June 13, 2008, at Willowbrook, in the Northern District of Illinois, and elsewhere,

ALAN C. SCOTT,

defendant herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be delivered by United States Mail, according to the directions thereon, an envelope addressed to Suncoast Tile, 6300 Kingery Highway, 416-301, Willowbrook, IL 60527, which envelope contained a money order made payable to Austin Scott, in the amount of approximately \$119.50, which represented payment to SCOTT for an item that Victim G had agreed to purchase from the SMSMOORE account on eBay;

In violation of Title 18, United States Code, Section 1341.

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COUNT EIGHT

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-58 of Count One of this indictment.
2. On or about December 11, 2008, at DuPage County, in the Northern District of Illinois, and elsewhere,

ALAN C. SCOTT,

defendant herein, for the purpose of executing the aforesaid scheme to defraud, knowingly caused to be delivered by United States Mail, according to the directions thereon, an envelope addressed to Individual B, which envelope contained a money order made payable to Individual B, in the amount of approximately \$913.00, which represented payment to SCOTT for an item that Victim H had agreed to purchase from the dogtags101 account on eBay;

In violation of Title 18, United States Code, Section 1341;

and,

ALAN C. SCOTT,

defendant herein, committed this offense while on release pursuant to Title 18, United States Code, Chapter 207;

In violation of Title 18, United States Code, Section 3147.

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FORFEITURE ALLEGATION

The SPECIAL FEBRUARY 2008-2 GRAND JURY further charges:

1. The allegations contained in Counts One through Eight of this Indictment are incorporated herein by reference for the purpose of alleging that certain property is subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. As a result of his violation of Title 18, United States Code, Sections 1341, 1343 and 1512(b)(3), as alleged in the foregoing Indictment,

ALAN C. SCOTT,

defendant herein, shall forfeit to the United States, pursuant to Title 18 United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all right, title and interest in property, real and personal, which constitutes and is derived from proceeds traceable to the charged offenses.

3. The interests of the defendant subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) include, but are not limited to approximately \$90,000.

4. If any of the property subject to forfeiture and described above, as a result of any act or omission of the defendant:

- (a) Cannot be located upon the exercise of due diligence;
- (b) Has been transferred or sold to, or deposited with, a third party;
- (c) Has been placed beyond the jurisdiction of the Court;
- (d) Has been substantially diminished in value; or

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(e) Has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property, under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(e).

All pursuant to Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(e).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY

Motion to Dismiss Exhibit Five



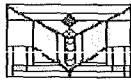
Mahon
Barbara Hull
to:
Morrissey, Mike \USAAZ\, Boyle, John \USAAZ\
12/07/2011 07:32 AM
Cc:
"Deborah Williams", "Milagros Cisneros"
[Show Details](#)

Please provide the transcript of the plea colloquy of Alan Scott at your earliest opportunity. Thank you.

Barbara L. Hull
Attorney at Law
(623) 465-1705
blhull@q.com

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Motion to Dismiss Exhibit Six



Fw: Mahon - Scott
Deborah Williams to: deborah_williams

12/14/2011 04:24 PM

Deb (via BB)
Deborah Williams

----- Original Message -----

From: Deborah Williams
Sent: 12/08/2011 03:51 PM CST
To: "Michael Morrissey" <Mike.Morrissey@usdoj.gov>; "John Boyle" <john.boyle@usdoj.gov>; Milagros Cisneros; "Barbara Hull" <blhull@q.com>
Subject: Mahon - Scott

We are requesting all interviews with and the proffer agreement for Alan Scott, including the 8/10/09 (Donnelly) and 8/21/09 (Felton) postal MOIs. See USPS Supp00043.

This is a Brady request. See US v Brady (9th Cir).

Thank you.
Deb (via BB)

Motion to Dismiss Exhibit Seven

MEMORANDUM OF INTERVIEW

PERSON INTERVIEWED : Alan C. Scott

DATE OF INTERVIEW : August 10, 2009

PLACE OF INTERVIEW : USAO
219 S. Dearborn Street
Chicago, IL

TIME OF INTERVIEW : 2:25 p.m. to 2:45 p.m.

INTERVIEWED BY : John Donnelly
Postal Inspector

Kevin Freeman
Postal Inspector

Nathalina Hudson
Assistant United States Attorney

A proffer interview was conducted with Alan C. Scott relative to an investigation into mail and wire fraud schemes involving Scott's sale of items on eBay and his failure to deliver the items. Also present was Scott's attorney, David Schippers. Prior to the interview Scott and Schippers were provided a standard proffer letter from the United States Attorney and Schippers reviewed it with Scott. Scott advised that he wished to provide the government with information he obtained relative to an individual named Dennis Mahon who is currently being held in custody for sending a mail bomb that detonated in Arizona. Subject to the proffer agreement Scott related the following.

Scott has been incarcerated at the MCC Chicago since his arrest on mail fraud charges on March 27, 2009. Scott had been providing information to certain BOP officers at the MCC relative to criminal conduct going on in the MCC. Scott provided information relative to a shiv (makeshift prison knife) being hidden on his floor which led to the search of the tier for the shiv by guards. The guards did not find the shiv because one of the guards may have tipped off the search. The guards placed Scott in segregation for his protection. While in segregation Scott was incarcerated in cell 1102 from about June 19, 2009 to July 10, 2009.

On about July 2, 2009, Scott was assigned a new roommate who told Scott his name was Dennis Mahon. Mahon told Scott that people called him Bill. When Scott asked Mahon what he was in for he said that he was in for making bombs and that he was the Phoenix bomber. Scott and Mahon were the only two held in cell 1102 until Scott was moved out on July 10, 2009. During the course of their time held together the two had several conversations in which Mahon disclosed information about himself and his activities, including the following.

Dennis and his brother Dan were both charged. They lived at 5794 North Backwoods Road, Davis Junction, IL 61020. His cell phone number was 815-393-4626. Dennis

provided Scott with this address information on a piece of paper that Scott still had in his locker. Scott will give any papers he has from Mahon to his attorney who will provide them to the government.

Mahon said that Mahon was a Grand Dragon of the Ku Klux Klan in Missouri. Mahon was part of a group or faction he referred to as the "third position." Mahon told Scott that he was a friend of white supremacist Tom Metzger. Mahon explained that he had butted heads with Metzger because he wanted to take the organization more communist and Metzger was against that.

Mahon described the raid on his home in Davis Junction by agents and told Scott that he was going to fight it out with agents. Mahon said that he was on the phone with Metzger when he was in the standoff with agents and that Metzger convinced him to surrender to agents. Mahon had a cut on his ear, and when Scott asked about it Mahon told Scott that when agents were trying to take him in custody he had a knife up to his ear, and that led to the cut.

Scott recalled that Mahon said that in 2004, or 2005, he was in Phoenix, Arizona and was with a woman. This woman, whose name was not given by Mahon, introduced him to a man from Europe. Mahon told Scott the name of the individual but Scott could not presently recall the name. Scott believed that the name might have started with a "G". Mahon told Scott that this man was a protestant and had recently been released from prison in the United Kingdom for blowing up a building. Both Dennis and Dan met this man and wanted to impress him so they decided to blow up the Diversity Office.

Mahon told Scott that the bomb was sent to the Diversity Office as a payback. Mahon explained to Scott that the city fired three white police officers who had done something wrong to some minorities. Mahon said somebody blew the whistle, which led to the firings. Mahon said that he made and mailed the bomb. Mahon said that it was a package bomb and that the bomb was contained in a box. Mahon said that when a guy opened the box it went boom, but it only blew off three of his fingers.

Mahon said that he and his brother went to Phoenix in an RV and that after the bombing they had to get out of town quickly. Mahon told Scott that they drove to Tulsa, Oklahoma and met up with a white supremacist named Harrington. Mahon told Scott that Harrington helped out the Mahons and he helped him by letting him live with them. It was not clarified at the time of this interview whether when Scott said, "he helped them by letting him live with them," Scott meant that Mahon helped Harrington by letting Harrington live with the Mahons, or Harrington helped the Mahons by letting the Mahons live with Harrington's group. Mahon said that this was where they met up with Alicia Stubb or Stubbs, who Mahon said was a CI for the ATF.

Mahon told Scott that he used a book(s) to make the Phoenix bomb. Mahon told Scott that he knew Timothy McVeigh; the Oklahoma City bomber. Mahon told Scott that he had sold McVeigh some guns and books. Mahon told Scott that he sold McVeigh "The Anarchist's Cookbook" and the "Poor Man's James Bond." Mahon told Scott that he used the same book that he sold to McVeigh to make the Phoenix bomb.

Scott said that Mahon wanted to help out his brother and was thinking of admitting to the whole thing to help his brother. Scott said that Mahon said he was only charged with conspiracy, not the actual bombing, and was only looking at three years. It was not

clarified at the time of this interview whether when Scott said "he" Scott was referring to Dennis or Dan Mahon being charged with conspiracy.

Mahon also told Scott about a photo he and his brother posted on the internet of him and his brother in front of a Ryder truck. They did this to mess with the FBI.

John Donnelly
Postal Inspector

Kevin Freeman
Postal Inspector

DRAFT/Felton

On August 28, 2009, Alan Scott was interviewed at the United States Attorney's Office in Chicago, IL. Present during the interview were Alcohol Tobacco, Firearms and Explosives (ATF) Special Agent Tristan Moreland, Postal Inspectors James Felton and John Donnelly, and Assistant United States Attorney (AUSA) Nathalina Hudson. Alan Scott is incarcerated at the Metropolitan Correctional Center (MCC) in Chicago, IL for charges stemming from a mail fraud scheme investigated by the U.S. Postal Inspection Service. Mr. Scott agreed to provide information regarding a mail bomb investigation unrelated to any charges pending against him.

Mr. Scott stated that while incarcerated at MCC he shared a cell with an individual he came to know as Dennis Mahon. Mr. Scott said he and Mahon shared a cell (in the hole) for approximately 11 days in June-July 2009. Mr. Scott advised that on the first day he met Dennis Mahon he asked him "What did you do?" Mr. Scott said that Dennis told him that he couldn't talk about it but when Scott stated he (Dennis) must be incarcerated for touching kids, Mahon said he was in for conspiracy to make a bomb. Mr. Scott stated that he and Dennis Mahon found they had an interest in military history in common and that is how they began talking about bombs. Mr. Scott said that Dennis told him he had known Tim McVeigh and that he (Dennis) was the number 3 anonymous person in the Oklahoma City bombing investigation. Mr. Scott advised Dennis told him he and his brother (Daniel) had taken a photo posing with a Rider truck and placed it on the Internet. Dennis Mahon told Mr. Scott that the photo was the cause of a fight between he (Dennis) and Tom Metzger. Mr. Scott said that Dennis told him that Metzger was the leader of the white supremacist movement. Scott said Dennis told him that Metzger was angry that Mahon drew attention to himself.

Mr. Scott said Dennis told him he had 150 Federal agents at his house to arrest him and that he was going to take out his AK-47 and shoot it out. Mr. Scott related Dennis said at the time of the arrest he was on the phone with Tom Metzger and asked Metzger what to do regarding the standoff with the police. Dennis said that Metzger told him not to shoot it out and that "we will get you out of this." Mr. Scott said Dennis told him he got into the white supremacist movement while working for an airline in Florida. Mr. Scott said Dennis' brother Daniel may have been working for Eastern Airlines at the time. Mr. Scott related Dennis Mahon's account of the riots in Florida in the early 1980's while he (Dennis) was in the National Guard. Mr. Scott advised Dennis Mahon told him that during the riots he was able to open up and shoot people and that he doesn't know how many he shot. Mr. Scott said Dennis told him he met Tim McVeigh at a gun show when he sold McVeigh books to include The Poor Man's James Bond, and the Anarchist Handbook.

Mr. Scott advised Dennis talked about his home in Davis Junction, IL, describing the area. Ms. Scott said Dennis told him the cops didn't find everything during the search warrant executed on the property, that they only found a couple books and small guns. Mr. Scott advised Dennis said there were 2-3 more weapons that were not found. Mr. Scott said Dennis described an area where he and his brother Daniel hid as children where additional illegal items were hidden. Ms. Scott advised Dennis mentioned that the area was so well hidden that he and Daniel had run away from home as children for over a day, hiding in this spot and were not found despite a police search. Mr. Scott said Dennis told him the hiding spot was over a hill near a retention ditch or storm water basin.

Mr. Scott said Dennis told him that while in Tulsa, OK Dennis and Daniel met an individual known to them as "Harrington" who was an associate of Tom Metzger and who was on the run or wanted. Dennis stated that Harrington moved in with them in Tulsa for period of time. Dennis indicated to Scott that Harrington was associated with another bombing.

Mr. Scott advised Dennis also discussed meeting an individual who was allegedly a convicted bomber from England or Ireland. This person, whom Scott could not recall his name, was accompanied by a female whose name may have started with a "G." Scott recalled Dennis saying that this female used to date white supremacist Bill White and that her father was once in the CIA. Mr. Scott said Dennis told him there were bands at the event where they met and that both Dennis and Daniel wanted to show this person that they knew what they were doing, and wanted to impress him with their ability to blow things up.

Mr. Scott related Dennis spoke about the bombing in Arizona relating that three white police were fired and somebody had to protect the rights of the white men. Mr. Scott advised Dennis told him the Diversity Officer was blown up because he (the Diversity Officer) was the focal point of getting these white cops fired. Mr. Scott said Dennis told him he himself built the bomb, and that he learned how from books and the internet and that it was his first amendment right to do so. Mr. Scott stated Dennis told him that a black guy only lost 2 or 3 fingers, and that he doesn't know what the big deal is. Mr. Scott said Dennis told him he (Dennis) sent the bomb from Litchfield or Litchfield Park. Mr. Scott advised that Dennis told him that Litchfield Park is a nice area and nobody would expect someone like Dennis to be there. Mr. Scott said Dennis told him that he and Daniel drove their Recreational Vehicle (RV) from Litchfield Park to Oklahoma. Mr. Scott stated Dennis told him he (Dennis) left after the bomb exploded, that the Governor of AZ began a "stop hate" campaign, and he and Daniel drove the RV to Tulsa, OK. Mr. Scott stated Dennis told him a person can make a bomb out of things that can be bought at a hardware store and that he was able to construct the bomb from normal everyday things he got from his farm. Mr. Scott said Dennis mentioned fertilizer could be mixed with other things to construct a bomb.

Mr. Scott said he remembers when Dennis first told him about his involvement with the bomb, that Dennis told him about it on the 4th of July. Mr. Scott stated he and Dennis were in their cell, that the lights had been turned off at 10:30pm and they heard the fireworks going off in Chicago. Mr. Scott said he remembers that when the lights went off Dennis put his mattress on the floor and he (Scott) was on the lower bunk. Mr. Scott advised Dennis told him while in Tulsa they met Harrington, that he stayed with the Mahons while he was on the run from the law. Mr. Scott said Dennis told him Tom Metzger or White instructed Dennis to help Harrington, to hide him out and that is why they stopped in Tulsa.

Mr. Scott stated Dennis told him he and Daniel met the CI in Tulsa, when they stopped to help her fix a flat tire. Mr. Scott advised Dennis told him that as they got to know the CI she tried to get him to make a bomb to hurt her x-husband or x-boyfriend. SA Moreland asked Mr. Scott if he recognized the name "Becca" and he responded no. Mr. Scott was asked if Dennis mentioned a newspaper article, "Drunk Times" and Scott responded no. SA Moreland asked Mr. Scott if Dennis mentioned anything about Tom Metzger and Scott replied that Dennis told him Metzger was "the leader", "the boss", the

"top dog" and that all the money they didn't need to live on went to "the church" a reference to Metzger's organization. SA Moreland asked Mr. Scott if Dennis ever mentioned the term "WAR" or "White Aryan Resistance" and Scott said he was not sure, that Dennis was always worried about being overheard. SA Moreland asked Mr. Scott if Dennis ever mentioned knowing an individual in Missouri and Scott said no. SA Moreland asked Mr. Scott if he recognized the name Steve Waddell and Scott said he did but does not remember how it came up or what Dennis said about Waddell. SA Moreland asked Mr. Scott if he recognized the name John McLaughlin and Scott said Dennis told him McLaughlin was a machine gun supplier who received a light sentence of three years. Mr. Scott said Dennis told him he thought McLaughlin was an informant, a "Benedict Arnold".

Mr. Scott said Dennis told him Daniel is shyer than Dennis, that he (Dennis) would follow Daniel around on his jobs with the airline, that is how they ended up in Florida. Mr. Scott advised Dennis told him he felt bad about involving his brother (in the bombing case) that he felt like he dragged Daniel into it. Mr. Scott stated Dennis told him he believed Daniel would get out of jail on bond and would then contact Tom Metzger to arrange a legal team. Mr. Scott said Dennis told him Daniel would bond out; buy a pre paid phone from Wal-Mart to contact Metzger, because they didn't want to use the house phone. Mr. Scott said Dennis told him Daniel and Metzger would get together a big defense team that would get he and Daniel off. Mr. Scott stated Dennis said his 89 year old father had money in a safe deposit box, over \$100,000.00 and would use the money to build a defense team based on Metzger's advice.

Mr. Scott said Dennis told him he had been arrested and subsequently deported from Canada, that they tried to charge him with trying to overthrow the government. SA Moreland asked Dennis about several subjects; whether Dennis mentioned "Heritage Front", "abortion clinic", "God City", "Andy (Andreas) Strassmeir(sp)", and "Tommy Gun" and to each Scott replied no.

Mr. Scott said he is sure about the name Harrington, that he uses word association to remember names and used Joey Harrington the football player to remember the name Harrington.

SA Moreland asked Mr. Scott if Dennis ever mentioned the Archangel Michael and Scott said he and Dennis used to pray together, that Dennis would read scripture. Mr. Scott said Dennis would always read from the passage regarding the Archangel Michael and highlighted passages in the bible. Mr. Scott stated he gave Dennis the bible that it had a faded bluish cover on it but he does not know if Dennis got it out of MCC.

(1)

8-28-09 0910 S/Scott, Alan J/R
USAID Chicago Fetter, Maryland, Donnelly

\$tole 76,000 - mail fraud - about 3 yr p/ea -
I'm guilty

1st day I asked DM "What click you do?"

DM - I can't talk about it

AS - Then you must be in here for timed bombs

DM - No I conspiracy to make bomb.

We had interest in military history in common
that is how we got talking about bombs.

Said he know Tim McVeigh - said he
was the #3 dangerous person in OK bombing.
My photo & I took photo at Ryder truck &
put on internet.

ISO, Fed at my house - I was going to take
out my AK & shoot at out.

I was on phone w/ Tom Metzger
3rd position in Klan which was TM
(Temp D)

3rd position - Klan - Metzger

Opposite got into White Supremacist while
walking for an airline in 70s &
Bro may have been walking for USPSsupp-000050

Fetter/McLaughlin/Donnelly

②

JKT S/Sgt, Alan 8-28-09

Started RKK activity while waiting for
curtains - putting things on windowsills like

Rights in Fla. - he was math guard -
early 80's -

Harmontia
John McLaughlin

Member of "3rd Position"

Metzger started 3rd Position

He had argument w/ DM re: Klam V
Communism - this was early - late 80's

DM said during w/ he found canteen
to woman in apt. glass who threw down a
apple & he feels they put poison in it
& then retaliated - DM was in Math Guard
said he was able to just open up &
shoot people - doesn't know how many
he shot

Met McLaughlin at gun show - sold his
books - get from books - Dear Mrs. J.B -
Cheapest Cookbook.

DM ^{said} #3 anonymous person in bombing

USPSsupp-000051-

(3)

Fetter/McDonald/Dowdell

JKT S/Scott Alter 8-25-09

Got into argument w/ Metzger over
take photo w/ Rider truck.

Argued w/ Metz over taking KKK
terminal communion.

Davis Junction - place they could help
as kick (described areas.)

Only found a couple books, small gems,
clicky finger clicky.
Said he had 5-6 weapons & not
found 2-3

DM several ties w/ KKK on communion

DM never discussed blew up IRS building

In Tulsa DM let "Harrington" bomb maker
move in w/ them - Harrington moved in w/
DM & Dyo in an RV - This was after
DM got out of DHX

Blew up diverse buildings - trying to impress
"G" - met w/ IRA guy from England
bomber from Ireland - DM's were
trying to impress Harrington

Feltay/Morley/Daniels

(4)

JKT S/Scott, Mar 8-2009

Met Harrington at white supremacist event in DTX.

Also woman who had some type of relat. to Bill White (Cochise bomber).

Said they were bands at this event -

National Socialists - DM & DM -

Wanted to show Harrington they knew what they were doing - wanted to impress this guy w/ their ability to blow things up.

3 white police - fired -

Said they were trying to piss bomb;

simply had to protect the rights of

white men

Diversity Office was blown up, b/c it was focal point of getting these white cops fired

DM said he himself built bomb -

Knowledge from books + internet

1st Amendment right

and you can make a bomb out of
this fight at machine shop USPSSupp-000053-

Feltman/McClelland/Donnally

(3)

S/Scott, Alan JK+ 8-28-09

He said he was able to construct bomb
from normal everyday things he got
from farm

→ fertilizers mixed w/ other things

He said he made the bomb

Bro only involvement is that he was in
camp w/ GJ who wanted to
make bomb & it

Black gun only last 2-3 fingers - doesn't
range, what the big deal is
Munley bomb from Litchfield in
Litchfield Park.

DM told me "he made it" +
left it at that

DM said he was in Litchfield Park -
nice area - wouldn't expect me to
be there.

From f.p. they drove it in RV to
Oklahoma.

(6)

Feltou/Marshall/Deane/H

S/Scott, Alan AKT 8-25-08

I think DM left after bomb exploded -
Governor began a stop hate campaign.

Both DM drove to OK in RV.

Stopped in Tulsa - met Flushing -
he lived w/ DM's, he was on the
run from law - wife w/ Metzger

Metzger & White told DM to help
Flushing - to hide him out. That is why
they stopped in Tulsa - met the CI
in Tulsa - CI had flat tire - helped
her - got to know her - she tried to get
him to make bomb by her & her
husband or X boyfriend.

Did not recognize name "Becca"

? Did DO mention newspaper article? Daily
Times - no - don't remember that.

DM said Metzger knew all about the bombing
& in SCG?

said TM was "the leader, the boss, the
top dog" - said all the \$ they collected
needed to live on went to "the church"

(7)

Keffler/Marshall/Dowdell

JK) S/Scott Alan 8-28-09

? Did term "WAR or Whity Ay'n Res" come up? I'm not sure - he was worried about being overheard.

? Did DM mention a guy in Missouri?
3/10

? Steve Wadell - yes, but I don't remember how it came up or what he told me

? John McLaughlin - DM said he was a machine gun supplier + got a light sentence of 3 yrs + felt he was an informant "Benedict Arnold"

Said his brother is more shy than him - he would follow his brother on his job w/ airline - that he had good job + plenty of \$ - that is why they stayed up in Fla. Said he felt bad about involving his brother -

said his brother was only in room w/ CT when they talked about buying the X house - like he charged his brother up to it.

Mother sounded like his brother

USPSSupp-000056

(8/10K)

Fitter/Moore/Donnelly

S/Scott, Alan JK+ 8-28-09

Really involved but only his source
of financial support

DM told me on 4th of July he went
out that blew guys fingers off in
Scottsdale.

Then were fireworks going off in Chicago.
The tunnel lights off at 10:30 PM.
But matriess on floor - I was on
lower bunk.

I thought Daniel would get out on bond
so then he could contact Metzger
to arrange legal team.

Daniel will bond out

He could buy a track phone from
Wal-Mart - get a new # cell
phone

didn't want to use the house phone -

? click he use term "track phone"

No that came from me - he said
pre paid phone from Wal-Mart

(S) GKT

Father/Mother/Monday

GKT S/Scott A 8-28-09

This bro could do all the legwork
for him

Tof could get hold of Metzger
+ get together a big defense team
who can get it off.

89 years old Father has \$ in
safe deposit box - > 100,000
Use money to build defense team based on
Metzger's advice.

On phone w/ Metzger at arrest asking
what he should do - shoot self -
fight etc.

Metzger told him to give up, that
they would get them off

"What should I do, I want to shoot
them off - Metzger said no, give
yourself up - we will get you out"

(With Metzger b/c I didn't know what
to do, to kill self - to shoot it out -

377

He got deported from Canada - he said
food was great in jail - they tried
to change him w/ typh to over throw the
govt - serial killers [USPSsupp-000058](#)

10 Oct 10
~~Q of Q Det~~

Rotha/Morland/Harley

DKT S/Scott A. 8/28/09

Did DM mention Shirley Front - no
abortion clinic? - no
bad city - no
Amy Strassmeyer? - no
Tommy Gunn? - no

I'm sure about name Harrington.

I use word assoc - Joey Harrington played football.

Archangel Michael? - We'd pray together
DM would read scripture -
He would always go to the passage
Revelation A.M. I gave him the Bible -
DM highlighted passages - it had a
padded leather cover on it. I don't
know if it got out of MCC.

Spent hours in barn

Hiding spot - over hill - near retention
ditch - stormwater basin - Near their home
Hiding spot - used to hide from parents,
they'd kick - had things you missed
as kids they had spot they could physically
go into & hide - they can usually
be kids & will not found

USPSsupp-000059